

ASSEMBLY BILL

No. 2668

Introduced by Assembly Member Quirk-Silva

February 21, 2014

An act to amend Sections 11465 and 16501.25 of, and to add Section 16501.26 to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2668, as introduced, Quirk-Silva. Foster care: nonminor dependent parents.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Under existing law, when a child is living with a parent who receives AFDC-FC benefits, the rate paid to the foster care provider on behalf of the parent shall include an amount for care and supervision of the child, as specified. Existing law requires, under these circumstances, that a written shared responsibility plan be developed between the parent, his or her caregiver, and a representative of the county or other agency providing direct supervision to the caregiver. Under existing law, once the plan has been completed and provided to the appropriate agencies, the payment made to the caregiver is increased by an additional \$200 per month to reflect the increased care and supervision of the child.

This bill would authorize the development of a parenting support plan between a nonminor dependent parent who resides in a supervised independent living placement, an identified responsible adult who has agreed to act as a parenting mentor, and a representative of the county

child welfare agency or probation department. The bill would authorize the nonminor dependent to provide the plan to the county child welfare agency or probation department, at which time he or she would receive an additional foster care payment of \$200 per month. By increasing the duties of counties providing child welfare services, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11465 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 11465. (a) When a child is living with a parent who receives
- 4 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
- 5 behalf of the parent shall include an amount for care and
- 6 supervision of the child.
- 7 (b) For each category of eligible licensed community care
- 8 facility, as defined in Section 1502 of the Health and Safety Code,
- 9 the department shall adopt regulations setting forth a uniform rate
- 10 to cover the cost of care and supervision of the child in each
- 11 category of eligible licensed community care facility.
- 12 (c) (1) On and after July 1, 1998, the uniform rate to cover the
- 13 cost of care and supervision of a child pursuant to this section shall
- 14 be increased by 6 percent, rounded to the nearest dollar. The
- 15 resultant amounts shall constitute the new uniform rate.
- 16 (2) (A) On and after July 1, 1999, the uniform rate to cover the
- 17 cost of care and supervision of a child pursuant to this section shall
- 18 be adjusted by an amount equal to the California Necessities Index
- 19 computed pursuant to Section 11453, rounded to the nearest dollar.
- 20 The resultant amounts shall constitute the new uniform rate, subject
- 21 to further adjustment pursuant to subparagraph (B).

(B) In addition to the adjustment specified in subparagraph (A), on and after January 1, 2000, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 2.36 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate.

(3) Subject to the availability of funds, for the 2000–01 fiscal year and annually thereafter, these rates shall be adjusted for cost of living pursuant to procedures in Section 11453.

(4) On and after January 1, 2008, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 5 percent, rounded to the nearest dollar. The resulting amount shall constitute the new uniform rate.

(d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the payment made pursuant to this section for care and supervision of a child who is living with a teen parent in a whole family foster home, as defined in Section 11400, shall equal the basic rate for children placed in a licensed or approved home as specified in subdivisions (a) to (d), inclusive, and subdivision (g), of Section 11461.

(2) The amount paid for care and supervision of a dependent infant living with a dependent teen parent receiving AFDC-FC benefits in a group home placement shall equal the infant supplement rate for group home placements.

(3) (A) The caregiver shall provide the county child welfare agency or probation department with a copy of the shared responsibility plan developed pursuant to Section 16501.25 and shall advise the county child welfare agency or probation department of any subsequent changes to the plan. Once the plan has been completed and provided to the appropriate agencies, the payment made pursuant to this section shall be increased by an additional two hundred dollars (\$200) per month to reflect the increased care and supervision while he or she is placed in the whole family foster home.

(B) *A nonminor dependent parent residing in a supervised independent living placement, as defined in subdivision (w) of Section 11400, may provide the county child welfare agency or probation department with a copy of the parenting support plan developed pursuant to Section 16501.26 and shall advise the county child welfare agency or probation department of any subsequent changes to the plan. Once the plan has been completed and*

1 *provided to the appropriate agencies, the payment made pursuant*
2 *to this section shall be increased by an additional two hundred*
3 *dollars (\$200) per month.*

4 (4) In ~~any~~ a year in which the payment provided pursuant to
5 this section is adjusted for the cost of living as provided in
6 paragraph (1) of subdivision (c), the payments provided for in this
7 subdivision shall also be increased by the same procedures.

8 (5) A Kin-GAP relative who, immediately prior to entering the
9 Kin-GAP program, was designated as a whole family foster home
10 shall receive the same payment amounts for the care and
11 supervision of a child who is living with a teen parent they received
12 in foster care as a whole family foster home.

13 (6) On and after January 1, 2012, the rate paid for a child living
14 with a teen parent in a whole family foster home as defined in
15 Section 11400 shall also be paid for a child living with a nonminor
16 dependent parent who is eligible to receive AFDC-FC or Kin-GAP
17 pursuant to Section 11403.

18 SEC. 2. Section 16501.25 of the Welfare and Institutions Code
19 is amended to read:

20 16501.25. (a) For the purposes of this section, “teen parent”
21 means a child who has been adjudged to be a dependent child or
22 ward of the court on the grounds that he or she is a person described
23 under Section 300 or 602, or a ward of a nonrelated legal guardian
24 whose guardianship was established pursuant to Section 360 or
25 366.26, living in out-of-home placement in a whole family foster
26 home, as defined in subdivision (u) of Section 11400, who is a
27 parent. Commencing January 1, 2012, “teen parent” also means a
28 nonminor dependent, as defined in subdivision (v) of Section
29 11400, who is living in a whole family foster home, as defined in
30 subdivision (t) of Section 11400, and is eligible for AFDC-FC or
31 Kin-GAP payments pursuant to Section 11403.

32 (b) (1) When the child of a teen parent is not subject to the
33 jurisdiction of the dependency court but is in the full or partial
34 physical custody of the teen parent, a written shared responsibility
35 plan shall be developed. The plan shall be developed between the
36 teen parent, caregiver, and a representative of the county child
37 welfare agency or probation department, and in the case of a
38 certified home, a representative of the agency providing direct and
39 immediate supervision to the caregiver. Additional input may be
40 provided by any individuals identified by the teen parent, the other

1 parent of the child, if appropriate, and other extended family
2 members. The plan shall be developed as soon as is practicably
3 possible. However, if one or more of the above stakeholders are
4 not available to participate in the creation of the plan within the
5 first 30 days of the teen parent's placement, the teen parent and
6 caregiver may enter into a plan for the purposes of fulfilling the
7 requirements of *subparagraph (A) of paragraph—(2) (3)* of
8 subdivision (d) of Section 11465, which may be modified at a later
9 time when the other individuals become available.

10 (2) The plan shall be designed to preserve and strengthen the
11 teen parent family unit, as described in Section 16002.5, to assist
12 the teen parent in meeting the goals outlined in Section 16002.5,
13 to facilitate a supportive home environment for the teen parent and
14 the child, and to ultimately enable the teen parent to independently
15 provide a safe, stable, and permanent home for the child. The plan
16 shall in no way limit the teen parent's legal right to make decisions
17 regarding the care, custody, and control of the child.

18 (3) The plan shall be written for the express purpose of aiding
19 the teen parent and the caregiver to reach agreements aimed at
20 reducing conflict and misunderstandings. The plan shall outline,
21 with as much specificity as is practicable, the duties, rights, and
22 responsibilities of both the teen parent and the caregiver with regard
23 to the child, and identify supportive services to be offered to the
24 teen parent by the caregiver or, in the case of a certified home, the
25 agency providing direct and immediate supervision to the caregiver,
26 or both. The plan shall be updated, as needed, to account for the
27 changing needs of infants and toddlers, and in accordance with
28 the teen parent's changing school, employment, or other outside
29 responsibilities. The plan shall not conflict with the teen parent's
30 case plan. Areas to be addressed by the plan include, but are not
31 limited to, all of the following:

32 (A) Feeding.

33 (B) Clothing.

34 (C) Hygiene.

35 (D) Purchase of necessary items, including, but not limited to,
36 safety items, food, clothing, and developmentally appropriate toys
37 and books. This includes both one-time purchases and items needed
38 on an ongoing basis.

39 (E) Health care.

1 (F) Transportation to health care appointments, child care, and
2 school, as appropriate.

3 (G) Provision of child care and babysitting.

4 (H) Discipline.

5 (I) Sleeping arrangements.

6 (J) Visits among the child, his or her noncustodial parent, and
7 other appropriate family members, including the responsibilities
8 of the teen parent, the caregiver, and the foster family agency, as
9 appropriate, for facilitating the visitation. The shared responsibility
10 plan shall not conflict with the teen parent's case plan and any
11 visitation orders made by the court.

12 (c) Upon completion of the shared responsibility plan and any
13 subsequent updates to the plan, a copy shall be provided to the
14 teen parent and his or her attorney, the caregiver, the county child
15 welfare agency or probation department and, in the case of a
16 certified home, the agency providing direct and immediate
17 supervision to the caregiver.

18 (d) The shared responsibility plan requirements shall no longer
19 apply when the two hundred-dollar (\$200) monthly payment is
20 made under the Kin-GAP program pursuant to Article 4.5
21 (commencing with Section 11360) or Article 4.7 (commencing
22 with Section 11385) of Chapter 2 of Part 3 to a former whole
23 family foster home pursuant to subdivision (a) of Section 11465.

24 SEC. 3. Section 16501.26 is added to the Welfare and
25 Institutions Code, to read:

26 16501.26. (a) For the purposes of this section, "nonminor
27 dependent parent" means a nonminor dependent as described in
28 subdivision (v) of Section 11400, residing in a supervised
29 independent living placement as defined in subdivision (w) of
30 Section 11400, who is a parent.

31 (b) When the child of a nonminor dependent parent is not subject
32 to the jurisdiction of the dependency court, but is in the full or
33 partial custody of the nonminor dependent, a written parenting
34 support plan may be developed between the nonminor dependent
35 parent and an identified responsible adult who has agreed to act
36 as a parenting mentor to the nonminor dependent parent. The plan,
37 if developed, shall be developed between the nonminor dependent
38 parent, the identified responsible adult, and a representative of the
39 county child welfare agency or probation department. Additional
40 input may be provided by any individuals identified by the

1 nonminor dependent parent, the other parent of the child, if
2 appropriate, and other extended family members. The plan shall
3 be developed as soon as is practicably possible. However, if one
4 or more of the above stakeholders are not available to participate
5 in the creation of the plan within the first 30 days of the nonminor
6 dependent parent's request to enter into the plan, the nonminor
7 dependent parent and the identified responsible adult may enter
8 into a plan for the purposes of fulfilling the requirements of
9 subparagraph (B) of paragraph (3) of subdivision (d) of Section
10 11465, which may be modified at a later time when the other
11 individuals become available.

12 (1) The plan shall be designed to preserve and strengthen the
13 nonminor dependent parent family unit, as described in Section
14 16002.5, to assist the nonminor dependent parent in meeting the
15 goals outlined in Section 16002.5, to assist the nonminor dependent
16 parent in maintaining a safe, stable, and permanent home for the
17 child, and to support the nonminor dependent parent's educational
18 and employment goals. The plan shall in no way limit the nonminor
19 dependent parent's legal right to make decisions regarding the
20 care, custody, and control of the child.

21 (2) The plan shall be written for the express purpose of
22 identifying additional support and assisting the nonminor dependent
23 parent in providing the best care plan for his or her child. The plan
24 shall outline, with as much specificity as is practicable, the ways
25 in which the identified responsible adult will assist the nonminor
26 dependent parent with regard to the child, and identify supportive
27 services to be offered to the nonminor dependent parent by the
28 identified responsible adult. The plan shall be updated, as needed,
29 to account for the changing needs of infants and toddlers, and in
30 accordance with the nonminor dependent parent's changing school,
31 employment, or other outside responsibilities. The plan shall not
32 conflict with the nonminor dependent parent's transitional
33 independent living case plan or any visitation orders made by the
34 court. Areas to be addressed by the plan may include, but are not
35 limited to, all of the following:

36 (A) Transportation to health care appointments, child care, and
37 school, as appropriate.

38 (B) Providing child care and babysitting.

39 (c) Upon completion of the parenting support plan and any
40 subsequent updates to the plan, a copy shall be provided to the

1 nonminor dependent parent and his or her attorney, the identified
2 responsible adult, and the county child welfare agency or probation
3 department.

4 SEC. 4. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.